

REMARKS

Claims 1-24 are pending in this application. Claims 1-7 are withdrawn as being drawn to a nonelected group. Claim 15 is objected to; and claims 8-14 and 16-24 are rejected. Claims 8, 13 and 18 are amended hereby; and claims 12, 14 and 15 are canceled hereby. Claims 9 and 10 have been previously canceled.

Responsive to the objection to claims 1-7 at page 2 of the Final Office Action, Applicant has included claims 1-7 in this amendment and has indicated claims 1-7 are withdrawn.

Responsive to the rejection of claims 8-14, 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,573,242 (Lankton et al.), Applicant has amended claims 8 and 13, and canceled claims 12, 14 and 15, and submits that claims 8, 11, 13, 16 and 17 are now in condition for allowance.

Lankton et al. '242 disclose harnessing device 100 (Figs. 1-3) formed by locking head 200 with attached strap 300 (column 3, lines 20-23). Strap 300 is in the form of a ladder structure with separate, side-by-side longitudinal sections 310 and 320 (column 3, lines 23-25). Sections 310 and 320 extend perpendicularly with respect to corresponding guide channels 210 and 220 in head 200 (column 3, lines 25-27). Channels 210 and 220 also provide guides for rails 311, 301 and 321 of strap rungs 312 and 322 (column 3, lines 45-47). Extending into guide channels 210 and 220 are respective locking tangs 250 and 260 which are pivotally mounted in their respective channels (column 3, lines 47-49).

In contrast, claim 8, as amended, recites in part: “each said rib extending a majority of a longitudinal length of a corresponding side . . . said longitudinally extending ribs on said second side being spaced apart in a direction transverse to said longitudinal direction, said at least three longitudinally extending ribs on said second side including serrations.”. (Emphasis added.)

Applicant submits that such an invention is neither taught, disclosed nor suggested by Lankton et al. '242 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Lankton et al. '242 disclose three rails interconnected by strap rungs. The strap rungs of Lankton et al. '242 are between the three rails. Lankton et al. '242 fails to disclose or suggest at least three longitudinally extending ribs including serrations.

An advantage of the present invention is that, due to serrations on the ribs instead of the plurality of strap rungs, it is more efficient to manufacture and more reliable in use.

In further contrast, claim 13 has been amended to include the limitations of claims 14 and 15 which the Examiner indicated is allowable at page 7 of the Office Action.

For all of the foregoing reasons, Applicant submits that claims 8 and 13, and claims 11, 16 and 17 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 8, 11 and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,183,301 (Lundberg, Jr.), Applicant has amended claim 8, and canceled claim 12, and submits that claims 8 and 11 are now in condition for allowance.

Lundberg, Jr. '301 discloses security seal 10 (Figs. 1 and 6) including an elongated, flexible band or strap 12 integral at one end 12a with lock housing 14 (column 2, lines 15-21). Facilities 26 and 28 located respectively on band 12 and in passageway 20 permit the above-described insertion and movement of end 12b of band 12 through passageway 20 (column 2, lines 48-51). Facilities 30 on band 12 and facilities 32 in passageway 20 for providing the user of seal 10 with a visual indication, at the time seal 10 is emplaced on a bag, that one of the above improper installations has been employed (column 2, lines 24-28). To aid in pulling band 12

through passageway 20, there may be formed near the free end 12b on one or both surfaces 18, 22 a plurality of grip lugs 60 (Figs. 1 and 6). Grip lugs 60 aid the manually gripping and pulling of end 12b out of and away from end 20a of passageway 20 (column 4, lines 57-60).

In contrast, claim 8, as amended, recites in part: “each said rib extending a majority of a longitudinal length of a corresponding side . . . said longitudinally extending ribs on said second side being spaced apart in a direction transverse to said longitudinal direction, said at least three longitudinally extending ribs on said second side including serrations.”. (Emphasis added.)

Applicant submits that such an invention is neither taught, disclosed nor suggested by Lundberg, Jr. ‘301 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Lundberg, Jr. ‘301 discloses security seal with a plurality of grip lugs. Lundberg, Jr. ‘301 is completely absent of longitudinally extending ribs, the grip lugs of Lundberg, Jr. ‘301 are transversely extending. Lundberg, Jr. ‘301 fails to disclose or suggest the first side having at least two longitudinally extending ribs, the second side having at least three longitudinally extending ribs, the longitudinally extending ribs on the first side being spaced apart in a direction transverse to the longitudinal direction, the longitudinally extending ribs on said second side being spaced apart in a direction transverse to the longitudinal direction. Further, Lundberg, Jr. ‘301 fails to disclose or suggest at least three longitudinally extending ribs including serrations.

An advantage of the present invention is that it is more efficient to manufacture and more reliable in use.

For all of the foregoing reasons, Applicant submits that claim 8, and claim 11 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 8 and 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,594,867 (Pettersson), Applicant has amended claim 8 and submits that claims 8 and 11 are now in condition for allowance.

Pettersson '867 discloses cable tie (Figs. 1-2) including head part 1, tie part 2, insertion part 3 of lesser width than tie part 2 and end part 4 serving as grip tab (column 1, lines 47-49). End part 4 has a greater width than tie part 2 and is provided on at least one side with transverse ridges 5 to facilitate gripping of the part when tensioning the tie around a cable bundle or the like, for example (column 1, lines 51-55). Head 1 is provided with a through-opening 6, which extends in the longitudinal direction of head 1 and across tie parts 2-4 (column 1, lines 56-58). On the side facing groove-shaped recess 7 tongue 8 is provided with a number of ratchet teeth 9, which are intended to interact with corresponding ratchet teeth 10 on tie part 2 (column 2, lines 7-11). Projections 11 are designed, when tie part 2 is inserted into opening 6, to engage with grooves 12 (column 2, lines 30-32).

In contrast, claim 8, as amended, recites in part: "each said rib extending a majority of a longitudinal length of a corresponding side . . . said longitudinally extending ribs on said second side being spaced apart in a direction transverse to said longitudinal direction, said at least three longitudinally extending ribs on said second side including serrations." (Emphasis added.) Applicant submits that such an invention is neither taught, disclosed nor suggested by Pettersson '867 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Pettersson '867 discloses a cable tie including a tie part with grooves. Pettersson '867 fails to disclose or suggest longitudinally extending ribs on the second side being spaced apart in a

direction transverse to the longitudinal direction, the at least three longitudinally extending ribs on the second side including serrations.

An advantage of the present invention is that it is more efficient to manufacture and more reliable in use.

For all of the foregoing reasons, Applicant submits that claim 8, and claim 11 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 18-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,717,906 (Wells), Applicant has amended claim 18 and submits that claims 18-20 are now in condition for allowance.

Wells '906 discloses an all plastic cable tie 11 (Figs. 1-4) formed integrally of strap 13 and head or frame 15 (column 1, lines 47-48). Free end or tip portion 17 of the strap is formed with a number of small teeth 19 on one side thereof to provide the user with a non-slip surface to grasp (column 1, lines 52-55). Teeth 12 are bonded on their ends by flange 25 which project at least as high as the teeth (column 1, lines 58-60). Head or frame 15 is a hollow generally rectangular member having end walls 35 and 37 and side walls 39 and 41 (column 1, lines 65-67). The walls of the frame form passage 43 through which strap 13 may be passed (column 1, line 67, through column 2, line 1). Notches 57 and 59 are formed in sets of projections 61 and 63 extending from the inside surfaces of side walls 39 and 41 (column 1, lines 21-23). Another modified form of cable tie is shown in Figs. 6 and 7 wherein boss 71 having passage 73 of circular cross-section, is formed integrally with the head and connects to one end wall thereof through means of a thin, flexible web 75 (column 2, lines 29-32).

In contrast, claim 18, as amended, recites in part:

said head including a locking slot for receiving said strap therein and interconnecting with said serrations, said head including opposing sides and a wall

extending on each said opposing side, said wall located on a perimeter of said head, said wall including at least one notch on each said opposing side in said wall, said notches creating a hinge section allowing hinged movement of said head in a direction transverse to said longitudinal extension.

(Emphasis added.) Applicant submits that such an invention is neither taught, disclosed nor suggested by Wells '906 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Wells '906 discloses a cable tie wherein a boss having a passage of circular cross-section is formed integrally with the head and connects to one end wall thereof through a thin, flexible web. Unlike the present invention, Wells '906 fails to disclose at least one notch in a perimeter wall which creates a hinge in the head. Wells '906 simply does not include a wall located on a perimeter of the head, and further Wells '906, being absent of the claimed wall of the present invention, is additionally absent of the wall including at least one notch, among other claimed elements of the present invention. Wells '906 fails to teach a head including opposing sides and a wall extending on each opposing side, the wall located on a perimeter of the head, the wall including at least one notch on each opposing side in the wall, with the notches creating a hinge section.

An advantage of the present invention is that the wall creates additional strength for the hinge.

For all of the foregoing reasons, Applicant submits that claim 18, and claims 19 and 20 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 18-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,147,523 (Logan), Applicant has amended claim 18, traverses the rejection of claims 21-24 and submits that claims 18-20 are now in condition for allowance.

Logan '523 discloses tie-strap (Figs. 3-5) including elongated body portion 20 having flat side 22, convex side 24 and rounded, parallel marginal edges 26, and presenting a somewhat oval configuration in cross-section (column 3, lines 39-44). Clinching eyelet 34 is provided with aligned rectangular slots 40 across aperture 36 therethrough (column 3, lines 61-65). Circular boss 48 projecting laterally from side 22 of body portion 20 thereof as oval eyelet 34, boss 48 being provided with a transverse aperture 50 for the reception of a suitable screw 52 (column 4, lines 67-70).

In contrast, claim 18, as amended, recites in part:

said head including a locking slot for receiving said strap therein and interconnecting with said serrations, said head including opposing sides and a wall extending on each said opposing side, said wall located on a perimeter of said head, said wall including at least one notch on each said opposing side in said wall, said notches creating a hinge section allowing hinged movement of said head in a direction transverse to said longitudinal extension.

(Emphasis added.) Applicant submits that such an invention is neither taught, disclosed nor suggested by Logan '523 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Logan '523 discloses a tie-strap including a clinching eyelet and a circular boss. Unlike the present invention, Logan '523 fails to disclose at least one notch in a perimeter wall which creates a hinge in the head. Logan '523 simply does not include a wall located on a perimeter of the head, and further, Logan '523 being absent of the claimed wall of the present invention is additionally absent of the wall including at least one notch, among other claimed elements of the present invention. Logan '523 fails to teach a head including opposing sides and a wall extending on each opposing side, the wall located on a perimeter of the head, the wall including at least one notch on each opposing side in the wall, with the notches creating a hinge section.

An advantage of the present invention is that the wall creates additional strength for the hinge.

In further contrast, claim 21 recites in part: “said head including a shoulder with an inside perimeter defining a mounting through-hole, said inside perimeter being polygonal.” (Emphasis added.) Applicant submits that such an invention is neither taught, disclosed nor suggested by Logan ‘523 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Logan ‘523 discloses a tie-strap including a clinching eyelet and a circular boss and each of Figs 3, 6 and 7 of Logan ‘523 clearly show aperture 50 comprising a predominantly circular inside perimeter, unlike the present invention, which claims the mounting through-hole having an inside perimeter being polygonal. “Polygonal” is the adjective form of “polygon” which is commonly understood to mean “a closed plane figure bounded by three or more **line** segments” (*The American Heritage Dictionary of the English Language*, Houghton Mifflin, 1978). To anticipate a claim, the reference must teach every element of the claim (MPEP 2131), and aperture 50 of Logan ‘523 is clearly not polygonal, having a predominantly circular inside perimeter.

An advantage of the present invention is that the polygonal shape of the inside perimeter of the shoulder will tend to grip the fastener better thereby reducing the tendency of the tie to twist when holding a convoluted tubing.

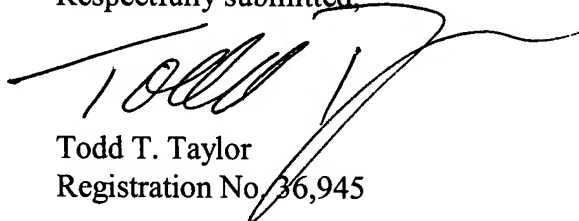
For all of the foregoing reasons, Applicant submits that claims 18 and 21, and claims 19, 20 and 22-24 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Todd T. Taylor
Registration No. 36,945

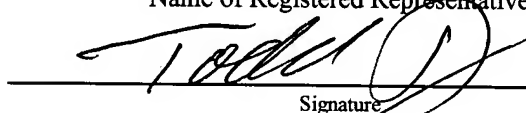
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Todd T. Taylor, Reg. No. 36,945

Name of Registered Representative



Signature

March 5, 2004

Date

SDH/ar

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300